

Application No. 10/511534
Reply to Office Action of March 3, 2006

REMARKS

Applicant respectfully requests reconsideration in view of the amendment and following remarks. The applicant has incorporated claim 2 into claim 1. Support for the proviso can be found at the bottom of page 6 of the specification. In addition, the applicant has amended the claims as suggested by the Examiner in order to overcome the 35 U.S.C. 112, second paragraph rejection.

Claims 1-9 and 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-8 and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Tzikas et al. WO 00/06652 ("Tzikas"). Claims 1-7 and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Zamponi et al. U.S. Patent No. 6,011,140 ("Zamponi").

35 U.S.C. 112, Second Paragraph Rejection

Claims 1-9 and 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant has amended the claims as suggested by the Examiner in order to overcome the 35 U.S.C. 112, second paragraph rejection. For the above reasons, this rejection should be withdrawn.

Prior Art Rejections

Claims 1-8 and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Tzikas. Claims 1-7 and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Zamponi. The applicants point out that all the compounds disclosed in by Tzikas and Zamponi contain a group of the formula (5) but neither a group of the formula (4) nor of the formula (6).

MAY. 26. 2006 3:46PM

NO. 1585 P. 15
Docket No.: 05579-00333-US

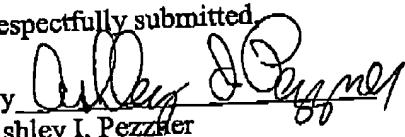
Application No. 10/511534
Reply to Office Action of March 3, 2006

The Examiner has acknowledged this in the Office Action by referring only to formula (5) in the rejection over both prior art references. For the above reasons, these rejections should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 05579-00333-US from which the undersigned is authorized to draw.

Respectfully submitted,

By 
Ashley I. Pezzner

Registration No.: 35,646
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P.O. Box 2207
Wilmington, Delaware 19899
(302) 658-9141
(302) 658-5614 (Fax)
Attorney for Applicant